(S) (R) 22/12/07

(44)

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 7525 of 2007

PETITIONERS

1. Philmon Minj, aged about 54 years son of Late Dhepra Minj, working as Gangman, under P.W.D. – Kansabel, Distt. Jashpur (C.G.), R/o Vill. And PO. Bandarchuwan, Distt. Jashpur (C.G.) (year 1989)
2. Bajrat Ram Sai, aged about 52 years, son of Tilak Sai Ram, presently working as Gangman, under the P.W.D. – Kansabel, R/o. village and Post Kansabel Distt. Jashpur (C.G.) (year 1989)
3. Bandu Ram, aged about 51 years, son of Khasra Ram, working as Gangman, under P.W.D.- Kansabel, Distt. Jashpur (C.G.) R/o. Vill. Tambasingha Post Bandarchuwan, Distt. Jashpur (C.G.) (year 1989)
4. Devsharan, aged about 50 years, son of Shri Ungul Sai, working as Gangman, under P.W.D.- Kansabel, Distt. Jashpur (C.G.) R/o. village Dodibahar, Post – Bandarchuwan, Distt. Jashpur (C.G.) (year 1989)

Versus

RESPONDENTS

1. State of Chhattisgarh, through the Secretary - Department of Public Works, Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. Executive Engineer, Public Works Department, Division – Jashpur, Distt. Jashpur (C.G.)
3. Sub Divisional officer, Sub Division – Patthalgaon, Public Works Department, Distt. Jashpur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Vinod Tekam, counsel for the petitioners.

Shri Sumit Verma, Panel Laywer for the State/ respondents.

ORAL ORDER
(19.12.2007)

SUNIL KUMAR SINHA, J.

Heard.

Learned counsel for the petitioners submits that a permanent Gang-man is to be retired at the age of 62 years in accordance with the *Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam 1967* read with Fundamental Rules, 56. He also submits that the point raised has been decided by this Court in batch of matters i.e. W.P.No.108/2005 and many other connected matters on 04.01.2007, reported in ***2007 (2) C.G.L.J. 29 (Govind & others Vs. State of C.G.)*** and this matter is squarely covered by that decision, which may be disposed of on the same terms.

Learned counsel for the State fairly agrees that this matter is covered by the said decision. However, he submits that in some matters the State has filed writ appeals.

Unless some interim order is passed, merely on account of filing of the writ appeal, hearing of this writ petition cannot be kept in abeyance, when the matter is squarely covered by the said judgment.

In the result, this petition is allowed.

It is disposed of in terms of the order dated 04.1.2007 passed in W.P. No.108/2005 and other connected matters. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

vatti